

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**Case #04-30170-MAP**

**WESTFIELD EAST MAIN )  
STREET LLC, Plaintiff )**

**v. )**

**C. DAVID TRADER, )  
JEAN M. TRADER, )  
JOSEPH B. MITCHELL, )  
TERESA K. MITCHELL, )  
DONALD GOVE, )  
MARK D. SIEBERT, )  
BRIAN BURKE, )  
MICHAEL BRETON, )  
BRADFORD MOIR, )  
MARY MOIR, )  
INTERSTATE BUILDING )  
SUPPLY, INC., and )  
LUMBER CENTER, INC., )  
Defendants )**

**AFFIDAVIT OF WILLIAM J. PUDLO IN  
SUPPORT OF DEFENDANTS' OPPOSITION  
TO PLAINTIFF'S MOTION TO ENFORCE  
SETTLEMENT**

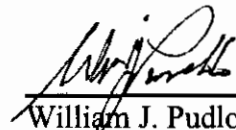
I, William J. Pudlo, do depose and say that:

1. I am a duly licensed Attorney in the Commonwealth of Massachusetts maintaining an office at 7 Park Drive and with a usual mailing address of P.O. Box 676, West Springfield, Massachusetts.
2. I have been Counsel for the Defendants in the above captioned action since its inception.
3. On or about September 25, 2006, I received an e-mail from Plaintiff's Counsel requesting evidence of payment of the sums due under the Settlement Agreement.
4. On September 26, 2006 I mailed a letter to my clients requesting that the required payments be made immediately and evidence of payment be delivered to me for transmittal to the Plaintiff's Counsel.

5. On or about October 23, 2006, I was advised by one of my clients that substantially all of the payments had been made and they were awaiting the evidence of receipt by the various payees or the cancelled checks.
6. On the basis of information and belief I understand that the required payments have been made and that upon receipt of the evidence of payment or in the alternative, cancelled checks demonstrating payment, the same will be transmitted to the Plaintiff's Counsel for their records.
7. I have no reason to believe that the Defendants have refused to comply with the terms of the Agreement and that there has been no default.
8. I have now been required to prepare oppositions to two separate Motions to Enforce the Settlement Agreement.
9. I have received information from my clients that have informed me that they view the Plaintiff's motions as unnecessary and in fact an expression of the impatience of a single entity Plaintiff dealing with multiple Defendants and that they should not be forced to expend their funds to satisfy the Plaintiff's impatience.

The foregoing statements are true to the best of my information and belief and made under the pains and penalties of perjury.

Dated: October 30, 2006

  
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William J. Pudlo